

REMARKS

This reply is submitted pursuant to 35 U.S.C. §132 and 37 C.F.R. §1.111. The Office Action was carefully considered by the undersigned attorney and applicant. Reconsideration of the application is respectfully requested.

1. Summary of the Office Action.

The restriction and election were indicated.

The Abstract, Specification and Claim 8 were objected to.

Claims 1-11 were pending.

Claims 1-3 and 5-8 stand rejected under 35 U.S.C §102(b) over Price et al. (5,934,354).

Claims 9, 10 and 11 stand rejected under 35 U.S.C §103(a) over Price et al in view of Yoshino et al. (7,108,241B2).

Claim 4 were objected to but found to contain allowable subject matter.

2. Discussion.

Applicant acknowledges with thanks the finding of allowable subject matter in this application.

Disclosure Objection

The disclosure has been amended to move the Abstract to a separate page. Withdrawal of the objection is respectfully requested.

Claim Objection

Claim 8. This claim was objected to as being informal. Applicant amended the claim to correct the informality. The examiner is thanked for pointing out this informality. Withdrawal of the objection is believed to be in order.

Claim Rejections - 35 USC §102-103

Claim 1. This claim was rejected under 35 USC §102(b) as being anticipated by Price, et al.. The claim is amended to clarify the patentable differences over the applied art. It can now be better appreciated that the biasing load of the spring on the spool is rotary. Also, the arrangement of the spring below the skirt deflects water away from the spring. This structure and function is not shown, suggested or made obvious by Price et al.

The invention is for a barrier of the type in which barrier material, for example fabric webbing, may be used outdoors or in other wet or corrosive environments. The material is stored on a spring biased spool. Deployment of the barrier causes the spool to rotate, which winds up the spring. The barrier is retracted by the spring driving the spool to wind the material back on the spool. In such barriers, a problem of rusting, corrosion and degradation over time may arise when moisture from rain for example directly or indirectly impinges upon the spring.

Applicant's invention avoids such problem by the skirt serving as a guard or deflector to prevent or restrict the impingement of water on the spring.

In contrast to applicant's barrier, the barrier of Price, et al. is used for in vehicles as a security shade to hide contents of a cargo area. The Price et al. specification does not disclose or suggest that the security shade is useable for the intended use of applicant's invention. And, Applicant submits that the security shade would not be suitable for use in outdoor or other wet environments. The axis of rotation of the security shade normally extends generally horizontally. Any water which would drain from the shade panel, on or after retraction thereof, would tend to flow downwards under the action of gravity. The horizontal nature of the arrangement is such that the skirt will not deflect water away from the one side of the spring, the right hand side of the spring being exposed (in the orientation of Fig. 2).

The Examiner identified spring 78 as providing biasing load to the spool. Spring 78 does not provide a *rotary* biasing load, and is not protected from water impingement by a skirt.

These differences are patentably significant because the relevant elements relate to advantages the invention has in terms of use of the barrier in outdoor or other wet environments. Applicant respectfully submits that claim 1 is patentable over the applied art. Withdrawal of the rejection is requested.

Claim 12 . This independent claim is new. The claim is based on independent claim 1 as filed and incorporates all of the elements of objected to dependent claim 4, (and intervening dependent claim 3), which was found to contain allowable subject matter by the examiner. Accordingly, the claim is believed to be patentable. Applicant notes that new claim 12 is a version of originally submitted dependent claim 4, merely rewritten in independent form. Thus, no limiting amendment is made and no limitation on the scope of the language of dependent claim 4 is intended or should be considered made.

Remaining Claims. The remaining dependent claims each adds at least one limitation to the elements of its base claim, and is therefore deemed to be allowable with such base and any intervening claim, at least for this reason.

3. Conclusion.

The claims pending after this amendment are believed to be patentable for the reasons stated above. The amendments are believed to be supported by the specification, claims and drawings as filed. It is believed that this case is now in a condition for allowance. Reconsideration and favorable action are respectfully requested.

Should the Examiner believe that telephone communication would advance the prosecution of this case to finality, s/he is invited to call at the number below.

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time under 37 CFR 1.136(a), provided a Petition is not submitted separately.

Please charge any fee due not paid by a check or credit card provided herewith, and/or charge any underpayment in any fee, and/or credit any overpayment in fee, to Deposit Account No. 19-2381.



Any fees due are calculated as follows:

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TOTAL claims remaining over that previously paid for: None \$0

INDEPENDENT claims remaining over that previously paid for: None \$0

SUM claim fees: \$0

EXTENSION fees: \$

OTHER fees: \$

TOTAL AMOUNT (if any) \$

☐ Paid by enclosed check.

☐ Paid by enclosed Credit Card Payment Form(s) PTO-2038.

Respectfully submitted,

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